

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

CRYSTAL DAWN WEBB

V.

**ROUND ROCK INDEPENDENT
SCHOOL DISTRICT**

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A-12-CA-919-LY

AMENDED¹ ORDER

Before the Court is Plaintiff's Motion for Appointment of Counsel under 42 U.S.C. § 2000e-5(f)(1). (Dkt. No. 31). The District Court referred the Motion to the undersigned for resolution pursuant to 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72, and Rule 1(c) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, as amended.

I. GENERAL BACKGROUND

Plaintiff Crystal Webb ("Webb"), who is African-American, filed this suit on October 2, 2012, complaining that her employer Round Rock Independent School District ("RRISD") engaged in discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964. Webb is employed as a night-shift custodian for RRISD. She alleged that after she filed an EEOC complaint of racial discrimination against RRISD, she was retaliated against by being harassed and unfairly disciplined. In addition, Webb complained that she was transferred to a different school in the same district that required her to walk 16 miles to work, thereby jeopardizing her safety during her commute.

RRISD filed a Motion to Dismiss, pursuant to Federal Rule of Civil Procedure 12(b)(6), arguing that Webb could not make out a prima facie case of employment discrimination or retaliation

¹The Court is amending its previous Order entered on April 7, 2015 (Dkt. No. 43) in order to correct a typographical error.

under Title VII because Webb did not suffer an adverse employment action. In August 2013, the undersigned issued a Report and Recommendation recommending that the District Court grant RRISD's Motion to Dismiss. Dkt. No. 18. The District Court adopted the Report and Recommendation and entered judgment in favor of RRISD in September 2013. Dkt. No. 24. Webb took an appeal from that decision, and on December 11, 2014, the Fifth Circuit reversed the District Court's Order dismissing Webb's Complaint for failure to state a claim upon which relief can be granted. *See Webb v. RRISD*, No. 13-50936 (5th Cir. Dec. 11, 2014) (Dkt. No. 29). The Fifth Circuit found that Webb sufficiently pled a claim for retaliation and "this case should be allowed to proceed at least to the summary judgment stage." *Id.* at p.5. Specifically, the Court found that it lacked "context facts" to evaluate whether the job transfer constituted an adverse employment action. *Id.* The Fifth Circuit further noted that on remand, Webb would be permitted to renew her motion for appointment of counsel under 42 U.S.C. § 2000e-5(f)(1), and upon remand, Webb did so.

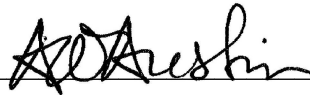
II. MOTION FOR APPOINTMENT OF COUNSEL

Title VII provides for the appointment of an attorney for a Title VII complainant upon request "in such circumstances as the court may deem just." 42 U.S.C. § 2000e-5(f)(1). The decision whether to appoint counsel rests within the sound discretion of the trial court. *Gonzalez v. Carlin*, 907 F.2d 573, 579 (5th Cir. 1990). After considering the factors set forth in *Gonzalez*, the Court hereby **GRANTS** Webb's Motion for Appointment of Counsel (Dkt. No. 31), and appoints Lauren Bradley, Baker Botts, 98 San Jacinto Blvd., Suite 1500, Austin, TX 78701 (512) 322-2544, to represent the Plaintiff in this case. While the Court does not have a fund through which it may reimburse Ms. Bradley's fees, the Court does have a fund for reimbursing expenses. *See* Order Adopting Amended Plan for the Reimbursement of Attorney Expenses in Civil Cases (available at: <http://www.txwd.uscourts.gov/Rules/StandingOrders/District/reimburse.pdf>).

FURTHER the Clerk is directed to prepare a copy of the complete file of this case and

arrange for Ms. Bradley to receive that file. **FINALLY**, the Plaintiff is reminded that because she is now represented, all pleadings filed on her behalf must be filed by her counsel, Ms. Bradley.

SIGNED this 8th day of April, 2015.

A handwritten signature in black ink, appearing to read "A. W. Austin", is written over a horizontal line.

ANDREW W. AUSTIN
UNITED STATES MAGISTRATE JUDGE